

1 RPTS EYSTER  
2 DCMN HERZFELD  
3  
4 EXECUTIVE SESSION  
5 COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT  
6 U.S. HOUSE OF REPRESENTATIVES  
7 WASHINGTON, D.C.

11 DEPOSITION OF: JAMES H. FALL, III

15 Wednesday, December 3, 1997

17 Washington, D.C.

20 The deposition in the above matter was held in Room 2247,  
21 Rayburn House Office Building, commencing at 1:00 p.m.

6 Appearances:

7  
8 Staff Present for the Government Reform and Oversight  
9 Committee: Elliot Berke, Senior Investigative Counsel;  
10 Robert A. Rohrbaugh, Senior Investigative Counsel;  
11 Christopher Lu, Minority Counsel; and David Sadkin, Minority  
12 Counsel.

12 For MR. FALL:

13 SANDRA R. CHAVEZ, ESQ.  
14 Office of the General Counsel  
15 Department of the Treasury  
16 Washington, D.C. 20220

\*\*\* Notes \*\*\*

1 Mr. Berke. Good afternoon. On behalf of the members of  
2 Committee on Government Reform and Oversight, I appreciate and  
3 thank you for appearing here today. This proceeding is known  
4 as a deposition. The person transcribing this proceeding is a  
5 House reporter and notary public. I will now request that the  
6 reporter place you under oath.

7 THEREUPON,

8 JAMES H. FALL, III,  
9 a witness, was called for examination, and after having been  
10 first duly sworn, was examined and testified as follows:

11 Mr. Berke. I would like to note for the record those who  
12 are present at the beginning of the deposition. This is Bob  
13 Rohrbaugh, designated Majority counsel for the committee. My  
14 name is Elliot Berke.

15 Mr. Lu. For the Minority, I am Christopher Lu. With me  
16 is David Sadkin.

17 Ms. Chavez. Sandra Chavez, Treasury Department.

18 The Witness. James Fall, Treasury Department.

19 Mr. Berke. Although this proceeding is being held in a  
20 somewhat informal atmosphere, because you have been placed  
21 under oath, your testimony here today has the same force and  
22 effect as if you were testifying before the committee in a  
23 courtroom. If Mr. Rohrbaugh asks you about conversations you  
24 have had in the past, and you are unable to recall the exact  
25 words used in the conversation, you may state that you are

1 unable to recall those exact words, and then you may give me  
2 the gist of or substance of any such conversation to the best  
3 of your recollection. If you recall only part of a  
4 conversation or only part of an event, please give  
5 Mr. Rohrbaugh your best recollection of those events or parts  
6 of conversations that you do recall.

7 If he asks you whether you have any information about a  
8 particular subject or you have overheard other persons  
9 conversing with each other regarding it or have seen  
10 correspondence or documentation regarding it, please tell him  
11 that you do have such information and indicate the source,  
12 either a conversation or documentation or otherwise, from  
13 which you derive such knowledge.

14 Before he begins the questioning, I want to give you some  
15 background about the investigation and your appearance here.  
16 Pursuant to its authority under House rules 10 and 11 of the  
17 House of Representatives, the committee is engaged in a  
18 wide-ranging review of possible political fund-raising  
19 improprieties and possible violations of law.

20 Pages 2 through 4 of House Report 105-139 summarizes the  
21 investigation as of June 19, 1997, and encompasses any new  
22 matters which arise directly or indirectly in the course of  
23 the investigation. Also pages 4 through 11 of the report  
24 explain the background of the investigation. All questions  
25 related either directly or indirectly to these issues, or

\*\*\* Notes \*\*\*

1 questions which have a tendency to make the existence of any  
2 pertinent fact more or less probable than it would be without  
3 the evidence are proper.

4 The committee has been granted specific authorization to  
5 conduct this deposition pursuant to House Resolution 167,  
6 which passed the full House on June 20, 1997. Committee rule  
7 20, of which you have received a copy, outlines the ground  
8 rules for the deposition.

9 The Majority and Minority committee counsels will ask you  
10 questions regarding the subject matter of the investigation.  
11 Minority counsel will ask questions after Majority counsel has  
12 finished. After the Minority counsel has completed  
13 questioning you, a new round of questions may begin. Members  
14 of Congress who wish to ask questions will be afforded an  
15 immediate opportunity to ask their questions. When they are  
16 finished, the committee counsel will resume questioning.

17 Pursuant to the committee's rules, you are allowed to  
18 have an attorney present to advise you of your rights. Any  
19 objection raised during the course of the deposition shall be  
20 stated for the record. If the witness is instructed not to  
21 answer a question or otherwise refuses to answer a question,  
22 the Majority and Minority counsel will confer to determine  
23 whether the objection is proper. If Majority and Minority  
24 counsel agree that a question is proper, the witness will be  
25 asked to answer the question. If an objection is not

1 withdrawn, the chairman or a Member designated by the chairman  
2 may decide whether the objection is proper.

3 This deposition is considered as taken in executive  
4 session of the committee, which means it may not be made  
5 public without the consent of the committee pursuant to clause  
6 2(k)(7) of House rule 11. You are asked to abide by the rules  
7 of the House and not discuss with anyone, other than your  
8 attorney, this deposition, the issues and questions raised  
9 during this proceeding.

10 Finally, no later than 5 days after your testimony is  
11 transcribed and you have been notified that your transcript is  
12 available, you may submit suggested changes to the chairman.  
13 The transcript will be available for your review at the  
14 committee office.

15 Committee staff may make any typographical and technical  
16 changes requested by you. Substantive changes,  
17 modifications,, clarifications or amendments to the deposition  
18 transcript submitted by you must be accompanied by a letter  
19 requesting the changes and a statement of your reasons for  
20 each proposed change. A letter requesting any substantive  
21 changes, modifications, clarifications or amendments must be  
22 signed by you. Any substantive changes, modifications,  
23 clarifications or amendments shall be included as an appendix  
24 to the transcript conditioned upon your signing of the  
25 transcript.

\*\*\* Notes \*\*\*

1 Do you understand everything we have gone over so far?

2 The Witness. Yes.

3 Mr. Berke. Do you have any questions about anything we  
4 have gone over so far?

5 The Witness. No.

6 Mr. Berke. Bob Rohrbaugh will be asking you questions  
7 concerning the subject matter of this investigation.

8 Do you understand?

9 The Witness. Yes.

10 Mr. Berke. If you don't understand a question, please  
11 say so, and he will repeat it or rephrase it so that you  
12 understand the question.

13 Do you understand that you should tell him if you do not  
14 understand any question?

15 The Witness. Yes.

16 Mr. Berke. The reporter will be taking down everything  
17 he says and we say and will make a written record of the  
18 deposition. You must give verbal, audible answers because the  
19 reporter cannot record what a nod of the head or other gesture  
20 means.

21 Do you understand that you cannot answer "aha" or  
22 "uh-huh" and must give audible answers?

23 The Witness. Yes.

24 Mr. Berke. If you cannot hear anyone, please say so, and  
25 they will repeat the question or have the court reporter read

1 the question to you.

2 Do you understand?

3 The Witness. Yes.

4 Mr. Berke. Please wait until any of the attorneys finish  
5 each question before answering, and they will wait until you  
6 finish your answer before they ask the next question.

7 Do you understand that this will help the reporter make a  
8 clear record because she cannot take down what we both are  
9 saying at the same time?

10 The Witness. Yes.

11 Mr. Berke. Your testimony is being taken under oath as  
12 if we were in a court, and if you answer a question, it will  
13 be assumed that you understand the question, and the answer  
14 was intended to be responsive to it.

15 Do you understand that?

16 The Witness. Yes.

17 Mr. Berke. Are you here voluntarily, or are you here as  
18 a result of a subpoena?

19 The Witness. Voluntarily.

20 Mr. Berke. Do you have any questions about this  
21 deposition before we begin the substantive portion of the  
22 proceeding?

23 The Witness. No.

24 Mr. Rohrbaugh. Ms. Sanchez, we are going to go off the  
25 record for the moment to get some personal data about

\*\*\* Notes \*\*\*

1 Mr. Fall. That way it will not be in the transcript.  
 2 [Discussion off the record.]  
 3 EXAMINATION BY MR. ROHRBAUGH:  
 4 Q Would you state your full name, please?  
 5 A My name is James H. Fall, III.  
 6 Q Where are you employed?  
 7 A At the U.S. Treasury Department.  
 8 Q How long have you been employed at the Treasury  
 9 Department?  
 10 A I have been at the Treasury Department almost 25  
 11 years.  
 12 Q What position do you presently hold at the Treasury  
 13 Department?  
 14 A My current job is the Deputy Assistant Secretary for  
 15 Technical Assistance Policy.  
 16 Q How long have you held that position?  
 17 A I have been in this position since early 1996.  
 18 Q Generally what is your day-to-day function in that  
 19 position?  
 20 A My responsibilities as the Deputy Assistant  
 21 Secretary for Technical Assistance Policy involves the  
 22 management, oversight, policy guidance and general interagency  
 23 coordination regarding the Treasury's financial technical  
 24 assistance effort in Eastern Europe and the former Soviet  
 25 Union. We have approximately 25 advisors, permanent resident

1 advisors, in 20 plus countries in that part of the world and  
 2 perhaps 100 plus intermittent advisors that I oversee.  
 3 In addition, my responsibilities involve the role as the  
 4 U.S. coordinator for the U.S.-Saudi Arabian Joint Commission,  
 5 which is a fully Saudi-funded program the Treasury is  
 6 overseeing for the last 25 years. Combined budgets for this  
 7 amount to about \$50 million.  
 8 Q The position that you presently hold, is that a  
 9 career position, or is it a political appointment?  
 10 A I am in a career position.  
 11 Q Before early 1996, what position did you hold at  
 12 Treasury?  
 13 A I was the Deputy Assistant Secretary for Developing  
 14 Nations.  
 15 Q During what period of time did you hold that  
 16 position?  
 17 A I was in this position from early 1991 until early  
 18 '96. This was also a career position.  
 19 Q What were your duties and responsibilities in that  
 20 position?  
 21 A In that position as Deputy Assistant Secretary for  
 22 Developing Nations, I oversaw a staff of about 25 plus  
 23 economists that followed economic and financial issues in  
 24 Asia, Latin America and Africa.  
 25 Q During that period of time -- I am not going to go

\*\*\* Notes \*\*\*

1 back further since I am sure it is an interesting background,  
 2 but we do not have time. In 1995, did you meet with an  
 3 individual known as Johnny Chung?  
 4 A Never.  
 5 Q When you say "never," you have never met with  
 6 Mr. Chung at all?  
 7 A Never.  
 8 Q Did you attend a meeting in October of 1995 with  
 9 representatives of SINOPEC?  
 10 A No.  
 11 Q Do you know what SINOPEC is?  
 12 A No.  
 13 Q Do you know what China Petrochemical is?  
 14 A I have heard of that.  
 15 Q Have you ever met with any representatives of China  
 16 Petrochemical Company?  
 17 A Not that I can recall.  
 18 Q The reason that we asked you in here today is  
 19 because your name appears on some of the documents that we  
 20 have as having attended a meeting with Mr. Summers,  
 21 Mr. Crawford and Mr. Schneider on October 23 of 1995. Do you  
 22 remember that meeting?  
 23 A I did not remember that meeting, and I do not  
 24 believe that I was at that meeting if it occurred.  
 25 Q Let me show you what is on -- we will have it marked

1 as Exhibit 4, Bates stamp number 179.  
 2 [Exhibit shown to witness.]  
 3 BY MR. ROHRBAUGH:  
 4 Q Let me show that to you. That appears to be  
 5 Mr. Summers's appointment schedule. Have you ever seen that  
 6 document?  
 7 A I never have seen this document.  
 8 Q It appears to be Mr. Summers's appointment schedule  
 9 reflecting a meeting with a representative, president of  
 10 SINOPEC, along with Mr. Chung, Mr. Crawford, Mr. Schneider and  
 11 yourself. Do you have any recollection of attending that  
 12 meeting at all?  
 13 A None whatsoever.  
 14 Q Did you ever meet with any representative of China  
 15 Petrochemical?  
 16 A Not as far as I know. They may have been in  
 17 meetings in China that I attended, but I can't recall any  
 18 meeting that I have had with this entity.  
 19 Q Have you ever had any involvement with China  
 20 Petrochemical or any projects that they have been involved  
 21 with?  
 22 A Not that I can recall.  
 23 Q Do you have any idea why your name appears in  
 24 Mr. Summers's appointment calendar as being present or  
 25 certainly having been scheduled for that meeting?

\*\*\* Notes \*\*\*

1 A Yes.  
 2 Q Why is that?  
 3 A It is fully possible that a meeting was scheduled  
 4 for Mr. Summers, and the scheduling people in his office would  
 5 have inserted the likely individuals at the Treasury  
 6 Department who normally would have attended meetings regarding  
 7 China. And I would have been a likely individual within the  
 8 Treasury to have accompanied him.  
 9 Q Were you ever notified about the meeting, or did you  
 10 ever hear about the meeting?  
 11 A Not that I can recall. Did I ever hear about the  
 12 meeting? I heard about it in the course of the events leading  
 13 up to this proceeding here, but not in late 1995.  
 14 Mr. Lu. Events leading up to this proceeding; you mean  
 15 discussions you might have had with counsel preparing for this  
 16 deposition?  
 17 The Witness. Actually, the event that I was talking  
 18 about then was the call that I got on the telephone from a Mr.  
 19 Irving.  
 20 BY MR. ROHRBAUGH:  
 21 Q That is the first time that you heard about the  
 22 meeting?  
 23 A About this meeting?  
 24 Q Yes.  
 25 A I had been called in the summer or approximately 6

1 months ago, apparently in conjunction with documents that were  
 2 being assembled by the Treasury Department, about the meeting  
 3 and asked if I had been at the meeting. At that time I  
 4 indicated within the Treasury Department that I had never --  
 5 that I cannot recall having been at that meeting.  
 6 Q Who contacted you about 6 months ago from the  
 7 Treasury Department?  
 8 A It would have been somebody in the General Counsel's  
 9 Office.  
 10 Q So you told them that you had not been at this  
 11 meeting?  
 12 A Exactly.  
 13 Q Well, that will make this deposition very short  
 14 then. I am sorry that general counsel did not tell us that  
 15 beforehand. I am sorry to have to drag you up here for that.  
 16 Mr. Lu, do you have any questions?  
 17 Mr. Lu. I just have a couple questions.  
 18 EXAMINATION BY MR. LU:  
 19 Q Mr. Fall, I apologize for you being called up here.  
 20 You were not at this meeting.  
 21 You said before that John Irving -- you said Mr. Irving.  
 22 Was that Mr. Irving from this committee called you?  
 23 A Yes.  
 24 Q Approximately when did he call you?  
 25 A In mid-November, just to notify me that there would

\*\*\* Notes \*\*\*

1 be a letter coming.  
 2 Q And did he tell you what the substance of this  
 3 deposition would be?  
 4 A He indicated at the time that the rationale, the  
 5 reason, for my being called for a deposition dealt with a  
 6 meeting on October 23rd.  
 7 Q Did you notify Mr. Irving that you had not attended  
 8 that meeting?  
 9 A I told him then that I could not recall having been  
 10 at that meeting, and, to the best of my knowledge, I had not  
 11 attended.  
 12 Mr. Lu. That is all I have.  
 13 Mr. Rohrbaugh. I have nothing else. I appreciate your  
 14 coming up.  
 15 [Whereupon, at 1:19 p.m., the deposition was concluded.]  
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<b>\$50</b> [1] 10:7	<b>Appearances</b> [1] 2:6	<b>change</b> [1] 6:20	<b>couple</b> [1] 14:17	<b>either</b> [2] 4:12
'96 [1] 10:18	<b>appearing</b> [1] 3:3	<b>changes</b> [6] 6:12	<b>course</b> [3] 4:22	4:25
00 [1] 1:21	<b>appendix</b> [1] 6:23	6:16 6:16 6:19	5:19 13:12	<b>Elliot</b> [2] 2:8
1 [2] 1:21 15:15	<b>appointment</b> [4] 10:9 12:5 12:8	6:21 6:22	<b>court</b> [2] 7:25 8:12	3:14
10 [1] 4:16	12:24	<b>Chavez</b> [3] 2:13	<b>courtroom</b> [1] 3:23	<b>employed</b> [2] 9:6
100 [1] 10:2	<b>appreciate</b> [2] 3:2	3:17 3:17	<b>Crawford</b> [2] 11:21	9:8
105-139 [1] 4:20	15:13	<b>China</b> [6] 11:13	12:10	<b>encompasses</b> [1] 4:21
11 [3] 4:16 4:23	<b>Arabian</b> [1] 10:4	11:15 12:14 12:17	<b>current</b> [1] 9:14	<b>engaged</b> [1] 4:17
6:6	<b>arise</b> [1] 4:22	12:19 13:7	<b>D.C</b> [3] 1:7 1:17	<b>entity</b> [1] 12:18
167 [1] 5:5	<b>Asia</b> [1] 10:24	<b>Christopher</b> [2] 2:9	2:15	<b>ESQ</b> [1] 2:13
179 [1] 12:1	<b>asks</b> [2] 3:23 4:7	3:15	<b>data</b> [1] 8:25	<b>Europe</b> [1] 9:24
19 [2] 4:21 15:15	<b>assembled</b> [1] 14:2	<b>Chung</b> [3] 11:3	<b>David</b> [2] 2:9	<b>event</b> [2] 4:4
1991 [1] 10:17	<b>assistance</b> [3] 9:15	11:6 12:10	3:16	13:17
1995 [4] 11:2 11:8	9:21 9:24	<b>clarifications</b> [3] 6:17 6:21 6:23	<b>day-to-day</b> [1] 9:18	<b>events</b> [3] 4:5
11:21 13:13	<b>Assistant</b> [4] 9:14	<b>clause</b> [1] 6:5	<b>days</b> [1] 6:10	13:12 13:14
1996 [2] 9:17 10:11	9:20 10:13 10:21	<b>clear</b> [1] 8:8	<b>DCMN</b> [1] 1:2	<b>evidence</b> [1] 5:3
1997 [3] 1:15 4:21	<b>assumed</b> [1] 8:13	<b>Combined</b> [1] 10:6	<b>dealt</b> [1] 15:5	<b>exact</b> [2] 3:24 4:1
5:6	<b>atmosphere</b> [1] 3:20	<b>coming</b> [2] 15:1	<b>December</b> [1] 1:15	<b>Exactly</b> [1] 14:12
2 [2] 4:20 6:6	<b>attend</b> [1] 11:8	15:14	<b>decide</b> [1] 6:2	<b>examination</b> [3] 3:9 9:3 14:18
20 [3] 5:6 5:7	<b>attended</b> [5] 11:20	<b>commencing</b> [1] 1:21	<b>Department</b> [11] 2:14 3:17 3:18	<b>examined</b> [1] 3:10
20220 [1] 2:15	12:17 13:6 15:7	<b>Commission</b> [1] 10:4	9:7 9:9 9:10	<b>executive</b> [2] 1:4
2247 [1] 1:20	15:11	<b>committee</b> [15] 1:5	14:4 14:7	6:3
23 [1] 11:21	<b>attending</b> [1] 12:11	2:8 3:2 3:13	<b>deposition</b> [17] 1:11	<b>Exhibit</b> [1] 12:1
23rd [1] 15:6	<b>attorney</b> [2] 5:18	3:22 4:17 5:4	1:20 3:4 3:12	<b>existence</b> [1] 5:1
25 [4] 9:10 9:25	6:8	5:6 5:9 5:16	5:5 5:8 5:19	<b>explain</b> [1] 4:24
10:6 10:22	<b>attorneys</b> [1] 8:4	6:4 6:5 6:14	6:3 6:8 6:17	<b>EYSTER</b> [1] 1:1
3 [1] 1:15	<b>audible</b> [2] 7:18	6:15 14:22	7:18 8:21 13:16	<b>fact</b> [1] 5:2
4 [3] 4:20 4:23	7:22	<b>committee's</b> [1] 5:17	14:13 15:3 15:5	<b>Fall</b> [7] 1:11 2:12
12:1	<b>authority</b> [1] 4:16	<b>Company</b> [1] 11:16	<b>Deputy</b> [4] 9:14	3:8 3:18 9:1
5 [1] 6:10	<b>authorization</b> [1] 5:4	<b>completed</b> [1] 5:12	9:20 10:13 10:21	9:5 14:19
6 [2] 13:25 14:6	<b>available</b> [2] 6:12	<b>concerning</b> [1] 7:7	<b>derive</b> [1] 4:13	<b>far</b> [3] 7:1 7:4
7 [1] 6:6	6:13	<b>concluded.]</b> [1] 15:15	<b>designated</b> [2] 3:13	12:16
<b>abide</b> [1] 6:6	<b>background</b> [3] 4:15	<b>conditioned</b> [1] 6:24	6:1	<b>Finally</b> [1] 6:10
<b>above</b> [1] 1:20	4:24 11:1	<b>conduct</b> [1] 5:5	<b>determine</b> [1] 5:22	<b>financial</b> [2] 9:23
<b>accompanied</b> [2] 6:18 13:8	<b>Bates</b> [1] 12:1	<b>confer</b> [1] 5:22	<b>Developing</b> [2] 10:13	10:23
<b>addition</b> [1] 10:3	<b>beforehand</b> [1] 14:15	<b>Congress</b> [1] 5:14	10:22	<b>finish</b> [2] 8:4
<b>advise</b> [1] 5:18	<b>begin</b> [2] 5:13	<b>conjunction</b> [1] 14:1	<b>directly</b> [2] 4:22	8:6
<b>advisors</b> [3] 9:25	8:21	<b>consent</b> [1] 6:5	4:25	<b>finished</b> [2] 5:12
<b>afforded</b> [1] 5:14	<b>beginning</b> [1] 3:12	<b>considered</b> [1] 6:3	<b>discuss</b> [1] 6:7	5:16
<b>Africa</b> [1] 10:24	<b>begins</b> [1] 4:14	<b>contacted</b> [1] 14:6	<b>discussions</b> [1] 13:15	<b>first</b> [2] 3:10 13:21
<b>afternoon</b> [1] 3:1	<b>behalf</b> [1] 3:1	<b>conversation</b> [4] 3:25 4:2 4:4	<b>document</b> [2] 12:6	<b>followed</b> [1] 10:23
<b>ago</b> [2] 14:1 14:6	<b>Berke</b> [14] 2:8	4:12	12:7	<b>follows</b> [1] 3:10
<b>agree</b> [1] 5:24	3:1 3:11 3:14	<b>conversations</b> [2] 3:23 4:6	<b>documentation</b> [2] 4:10 4:12	<b>force</b> [1] 3:21
<b>aha</b> [1] 7:21	3:19 7:3 7:6	<b>conversing</b> [1] 4:9	<b>documents</b> [2] 11:19	<b>former</b> [1] 9:24
<b>allowed</b> [1] 5:17	7:10 7:16 7:24	<b>coordination</b> [1] 9:23	14:1	<b>full</b> [2] 5:6 9:4
<b>almost</b> [1] 9:10	8:4 8:11 8:17	<b>coordinator</b> [1] 10:4	<b>down</b> [2] 7:16	<b>fully</b> [2] 10:5 13:3
<b>along</b> [1] 12:10	8:20	<b>copy</b> [1] 5:7	8:8	<b>function</b> [1] 9:18
<b>amendments</b> [3] 6:17 6:21 6:23	<b>best</b> [3] 4:2 4:5	<b>correspondence</b> [1] 4:10	<b>drag</b> [1] 14:15	<b>fund-raising</b> [1] 4:18
<b>America</b> [1] 10:24	15:10	<b>counsel</b> [14] 2:8	<b>duly</b> [1] 3:10	<b>general</b> [4] 2:14
<b>amount</b> [1] 10:7	<b>Bob</b> [2] 3:12 7:6	2:9 2:9 2:10	<b>during</b> [4] 5:19	9:22 14:8 14:14
<b>answer</b> [7] 5:21	<b>budgets</b> [1] 10:6	2:14 3:13 5:11	6:9 10:15 10:25	<b>Generally</b> [1] 9:18
5:21 5:25 7:21	<b>Building</b> [1] 1:21	5:11 5:12 5:16	<b>duties</b> [1] 10:19	<b>gesture</b> [1] 7:19
8:6 8:12 8:13	<b>calendar</b> [1] 12:24	5:22 5:24 13:15	<b>E</b> [1] 2:13	<b>gist</b> [1] 4:2
<b>answering</b> [1] 8:5	<b>cannot</b> [5] 7:19	14:14	<b>early</b> [4] 9:17 10:11	<b>gone</b> [2] 7:1 7:4
<b>answers</b> [2] 7:18	7:21 7:24 8:8	<b>Counsel's</b> [1] 14:8	10:17 10:17	<b>Good</b> [1] 3:1
7:22	14:5	<b>counsels</b> [1] 5:9	<b>Eastern</b> [1] 9:24	<b>Government</b> [3] 1:5 2:8 3:2
<b>apologize</b> [1] 14:19	<b>career</b> [3] 10:9	<b>countries</b> [1] 10:1	<b>economic</b> [1] 10:23	<b>granted</b> [1] 5:4
<b>appearance</b> [1] 4:15	<b>certainly</b> [1] 12:25		<b>economists</b> [1] 10:23	<b>ground</b> [1] 5:7
	<b>chairman</b> [3] 6:1		<b>effect</b> [1] 3:22	<b>guidance</b> [1] 9:22
	6:1 6:12		<b>effort</b> [1] 9:24	

<b>H</b> [3] 1:11 3:8 9:5 <b>head</b> [1] 7:19 <b>hear</b> [3] 7:24 13:10 13:11 <b>heard</b> [3] 11:14 13:12 13:21 <b>held</b> [3] 1:20 3:19 9:16 <b>help</b> [1] 8:7 <b>HERZFELD</b> [1] 1:2 <b>hold</b> [4] 9:12 10:8 10:11 10:15 <b>House</b> [10] 1:6 1:21 3:5 4:16 4:17 4:20 5:5 5:6 6:6 6:7 <b>idea</b> [1] 12:23 <b>III</b> [3] 1:11 3:8 9:5 <b>immediate</b> [1] 5:15 <b>improprieties</b> [1] 4:19 <b>included</b> [1] 6:23 <b>indicate</b> [1] 4:11 <b>indicated</b> [2] 14:4 15:4 <b>indirectly</b> [2] 4:22 4:25 <b>individual</b> [2] 11:3 13:7 <b>individuals</b> [1] 13:5 <b>informal</b> [1] 3:20 <b>information</b> [2] 4:7 4:11 <b>inserted</b> [1] 13:5 <b>instructed</b> [1] 5:20 <b>intended</b> [1] 8:14 <b>interagency</b> [1] 9:22 <b>interesting</b> [1] 11:1 <b>intermittent</b> [1] 10:2 <b>investigation</b> [6] 4:15 4:21 4:23 4:24 5:10 7:7 <b>Investigative</b> [2] 2:8 2:9 <b>involve</b> [1] 10:3 <b>involved</b> [1] 12:20 <b>involvement</b> [1] 12:19 <b>involves</b> [1] 9:21 <b>Irving</b> [5] 13:19 14:21 14:21 14:22 15:7 <b>issues</b> [3] 4:25 6:8 10:23 <b>James</b> [4] 1:11 3:8 3:18 9:5 <b>job</b> [1] 9:14 <b>John</b> [1] 14:21 <b>Johnny</b> [1] 11:3 <b>Joint</b> [1] 10:4 <b>June</b> [2] 4:21 5:6	<b>k</b> [1] 6:6 <b>knowledge</b> [2] 4:13 15:10 <b>known</b> [2] 3:3 11:3 <b>last</b> [1] 10:6 <b>late</b> [1] 13:13 <b>Latin</b> [1] 10:24 <b>law</b> [1] 4:19 <b>leading</b> [2] 13:12 13:14 <b>less</b> [1] 5:2 <b>letter</b> [3] 6:18 6:20 15:1 <b>likely</b> [2] 13:5 13:7 <b>Lu</b> [8] 2:9 3:15 3:15 13:14 14:16 14:17 14:18 15:12 <b>Majority</b> [5] 3:13 5:9 5:11 5:22 5:23 <b>management</b> [1] 9:22 <b>marked</b> [1] 11:25 <b>matter</b> [3] 1:20 5:10 7:7 <b>matters</b> [1] 4:22 <b>may</b> [8] 3:25 4:1 5:13 6:2 6:4 6:12 6:15 12:16 <b>mean</b> [1] 13:14 <b>means</b> [2] 6:4 7:20 <b>meet</b> [2] 11:2 12:14 <b>meeting</b> [23] 11:8 11:20 11:22 11:23 11:24 12:9 12:12 12:18 12:25 13:3 13:9 13:10 13:12 13:22 13:23 14:2 14:3 14:5 14:11 14:20 15:6 15:8 15:10 <b>meetings</b> [2] 12:17 13:6 <b>Member</b> [1] 6:1 <b>members</b> [2] 3:1 5:13 <b>met</b> [2] 11:5 11:15 <b>mid-November</b> [1] 14:25 <b>might</b> [1] 13:15 <b>million</b> [1] 10:7 <b>Minority</b> [8] 2:9 2:9 3:15 5:9 5:11 5:12 5:22 5:23 <b>modifications</b> [3] 6:17 6:21 6:22 <b>moment</b> [1] 8:25 <b>months</b> [2] 14:1 14:6 <b>Ms</b> [2] 3:17 8:24 <b>must</b> [4] 6:18 6:21	7:18 7:22 <b>name</b> [5] 3:14 9:4 9:5 11:19 12:23 <b>Nations</b> [2] 10:14 10:22 <b>never</b> [6] 11:4 11:5 11:5 11:7 12:7 14:4 <b>new</b> [2] 4:21 5:13 <b>next</b> [1] 8:6 <b>nod</b> [1] 7:19 <b>None</b> [1] 12:13 <b>normally</b> [1] 13:6 <b>notary</b> [1] 3:5 <b>note</b> [1] 3:11 <b>nothing</b> [1] 15:13 <b>notified</b> [2] 6:11 13:9 <b>notify</b> [2] 14:25 15:7 <b>now</b> [1] 3:5 <b>number</b> [1] 12:1 <b>oath</b> [3] 3:6 3:21 8:11 <b>objection</b> [4] 5:19 5:23 5:25 6:2 <b>occurred</b> [1] 11:24 <b>October</b> [3] 11:8 11:21 15:6 <b>off</b> [2] 8:24 9:2 <b>office</b> [5] 1:21 2:14 6:14 13:4 14:9 <b>opportunity</b> [1] 5:15 <b>otherwise</b> [2] 4:12 5:21 <b>outlines</b> [1] 5:7 <b>overheard</b> [1] 4:8 <b>oversaw</b> [1] 10:22 <b>oversee</b> [1] 10:2 <b>overseeing</b> [1] 10:6 <b>oversight</b> [4] 1:5 2:8 3:2 9:22 <b>p.m</b> [2] 1:21 15:15 <b>pages</b> [2] 4:20 4:23 <b>part</b> [3] 4:3 4:4 10:1 <b>particular</b> [1] 4:8 <b>parts</b> [1] 4:5 <b>passed</b> [1] 5:6 <b>past</b> [1] 3:24 <b>people</b> [1] 13:4 <b>perhaps</b> [1] 10:2 <b>period</b> [2] 10:15 10:25 <b>permanent</b> [1] 9:25 <b>person</b> [1] 3:4 <b>personal</b> [1] 8:25 <b>persons</b> [1] 4:8 <b>pertinent</b> [1] 5:2 <b>Petrochemical</b> [4] 11:13 11:16 12:15	12:20 <b>place</b> [1] 3:6 <b>placed</b> [1] 3:20 <b>plus</b> [3] 10:1 10:2 10:22 <b>policy</b> [3] 9:15 9:21 9:22 <b>political</b> [2] 4:18 10:9 <b>portion</b> [1] 8:21 <b>position</b> [13] 9:12 9:16 9:17 9:19 10:8 10:9 10:10 10:11 10:16 10:17 10:18 10:20 10:21 <b>possible</b> [3] 4:18 4:19 13:3 <b>preparing</b> [1] 13:15 <b>present</b> [4] 2:8 3:12 5:18 12:24 <b>presently</b> [2] 9:12 10:8 <b>president</b> [1] 12:9 <b>probable</b> [1] 5:2 <b>proceeding</b> [7] 3:3 3:4 3:19 6:9 8:22 13:13 13:14 <b>program</b> [1] 10:5 <b>projects</b> [1] 12:20 <b>proper</b> [4] 5:3 5:23 5:24 6:2 <b>proposed</b> [1] 6:20 <b>public</b> [2] 3:5 6:5 <b>pursuant</b> [4] 4:16 5:5 5:17 6:5 <b>questioning</b> [3] 4:14 5:13 5:16 <b>questions</b> [13] 4:24 5:1 5:10 5:11 5:13 5:14 5:15 6:8 7:3 7:6 8:20 14:16 14:17 <b>raised</b> [2] 5:19 6:8 <b>rationale</b> [1] 15:4 <b>Rayburn</b> [1] 1:21 <b>read</b> [1] 7:25 <b>reason</b> [2] 11:18 15:5 <b>reasons</b> [1] 6:19 <b>received</b> [1] 5:7 <b>recollection</b> [3] 4:3 4:5 12:11 <b>record</b> [6] 3:11 5:20 7:17 7:19 8:8 8:25 <b>record.]</b> [1] 9:2 <b>reflecting</b> [1] 12:9 <b>Reform</b> [3] 1:5 2:8 3:2 <b>refuses</b> [1] 5:21 <b>regarding</b> [5] 4:9 4:10 5:10 9:23 13:6	<b>related</b> [1] 4:25 <b>remember</b> [2] 11:22 11:23 <b>repeat</b> [2] 7:11 7:25 <b>rephrase</b> [1] 7:11 <b>report</b> [2] 4:20 4:23 <b>reporter</b> [6] 3:5 3:6 7:16 7:19 7:25 8:7 <b>representative</b> [2] 12:9 12:14 <b>representatives</b> [4] 1:6 4:17 11:9 11:15 <b>request</b> [1] 3:5 <b>requested</b> [1] 6:16 <b>requesting</b> [2] 6:19 6:20 <b>resident</b> [1] 9:25 <b>Resolution</b> [1] 5:5 <b>responsibilities</b> [3] 9:20 10:3 10:19 <b>responsive</b> [1] 8:14 <b>result</b> [1] 8:18 <b>resume</b> [1] 5:16 <b>review</b> [2] 4:18 6:13 <b>rights</b> [1] 5:18 <b>Robert</b> [1] 2:9 <b>Rohrbaugh</b> [10] 2:9 3:13 3:23 4:5 7:6 8:24 9:3 12:3 13:20 15:13 <b>role</b> [1] 10:3 <b>Room</b> [1] 1:20 <b>round</b> [1] 5:13 <b>RPTS</b> [1] 1:1 <b>rule</b> [2] 5:6 6:6 <b>rules</b> [4] 4:16 5:8 5:17 6:6 <b>Sadkin</b> [2] 2:9 3:16 <b>Sanchez</b> [1] 8:24 <b>Sandra</b> [2] 2:13 3:17 <b>Saudi-funded</b> [1] 10:5 <b>says</b> [1] 7:17 <b>schedule</b> [2] 12:5 12:8 <b>scheduled</b> [2] 12:25 13:3 <b>scheduling</b> [1] 13:4 <b>Schneider</b> [2] 11:21 12:10 <b>Secretary</b> [4] 9:14 9:21 10:13 10:21 <b>Senior</b> [2] 2:8 2:9 <b>session</b> [2] 1:4 6:4 <b>shall</b> [2] 5:19 6:23
--	--	--	--	---

<b>short</b> (1) 14:13	
<b>show</b> (2) 11:25 12:4	
<b>shown</b> (1) 12:2	
<b>signed</b> (1) 6:22	
<b>signing</b> (1) 6:24	
<b>SINOPEC</b> (3) 11:9	
11:11 12:10	
<b>somewhat</b> (1) 3:20	
<b>sorry</b> (2) 14:14 14:15	
<b>source</b> (1) 4:11	
<b>Soviet</b> (1) 9:24	
<b>specific</b> (1) 5:4	
<b>staff</b> (3) 2:8 6:15	
10:22	
<b>stamp</b> (1) 12:1	
<b>state</b> (2) 3:25 9:4	
<b>statement</b> (1) 6:19	
<b>subject</b> (3) 4:8	
5:10 7:7	
<b>submit</b> (1) 6:12	
<b>submitted</b> (1) 6:18	
<b>subpoena</b> (1) 8:18	
<b>substance</b> (2) 4:2	
15:2	
<b>substantive</b> (4) 6:16	
6:20 6:22 8:21	
<b>such</b> (3) 4:2 4:11	
4:13	
<b>suggested</b> (1) 6:12	
<b>summarizes</b> (1) 4:20	
<b>summer</b> (1) 13:25	
<b>Summers</b> (2) 11:20	
13:4	
<b>Summers's</b> (3) 12:5	
12:8 12:24	
<b>sworn</b> (1) 3:10	
<b>taking</b> (1) 7:16	
<b>technical</b> (4) 6:15	
9:15 9:21 9:23	
<b>telephone</b> (1) 13:18	
<b>tendency</b> (1) 5:1	
<b>testified</b> (1) 3:10	
<b>testifying</b> (1) 3:22	
<b>testimony</b> (3) 3:21	
6:10 8:11	
<b>thank</b> (1) 3:3	
<b>THEREUPON</b> (1) 3:7	
<b>through</b> (2) 4:20	
4:23	
<b>today</b> (3) 3:3	
3:21 11:18	
<b>transcribed</b> (1) 6:11	
<b>transcribing</b> (1) 3:4	
<b>transcript</b> (6) 6:11	
6:13 6:18 6:24	
6:25 9:1	
<b>Treasury</b> (14) 2:14	
3:17 3:18 9:7	
9:8 9:10 9:12	
10:5 10:12 13:5	
13:8 14:2 14:4	
14:7	

**Treasury's** (1) 9:23  
**typographical** (1) 6:15  
**U.S.** (3) 1:6 9:7  
10:4  
**U.S.-Saudi** (1) 10:4  
**unable** (2) 3:24  
4:1  
**under** (4) 3:6  
3:21 4:16 8:11  
**understand** (11) 7:1  
7:8 7:10 7:12  
7:13 7:14 7:21  
8:2 8:7 8:13  
8:15  
**Union** (1) 9:25  
**up** (5) 13:13 13:14  
14:15 14:19 15:14  
**used** (1) 3:25  
**verbal** (1) 7:18  
**violations** (1) 4:19  
**voluntarily** (2) 8:17  
8:19  
**wait** (2) 8:4 8:5  
**Washington** (3) 1:7  
1:17 2:15  
**Wednesday** (1) 1:15  
**whatsoever** (1) 12:13  
**wide-ranging** (1) 4:18  
**wish** (1) 5:14  
**withdrawn** (1) 6:1  
**within** (2) 13:7  
14:4  
**without** (2) 5:2  
6:5  
**witness** (15) 3:9  
3:18 5:20 5:24  
7:2 7:5 7:9  
7:15 7:23 8:3  
8:10 8:16 8:19  
8:23 13:17  
**witness.]** (1) 12:2  
**words** (2) 3:25  
4:1  
**world** (1) 10:1  
**written** (1) 7:17  
**years** (2) 9:11 10:6  
**yourself** (1) 12:11  
**[Discussion** (1) 9:2  
**[Exhibit** (1) 12:2  
**[Whereupon** (1) 15:15

LAWRENCE SUMMERS  
APPOINTMENT SCHEDULE

MONDAY, OCTOBER 23, 1995

9:30 a.m.

Mr. Huanen Sheng, Pres. SINOPEC and Mr. Johnny Chung,  
CEO of Automated Intelligent Systems, Inc.  
w/ Fall, Crawford, Schoelder

Redacted

Nonresponsive



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